

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01362

AMERISOURCEBERGEN
DRUG CORPORATION, et al.,
Defendants.

CABELL COUNTY COMMISSION,
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01665

AMERISOURCEBERGEN
DRUG CORPORATION, et al.,
Defendants.

DEFENDANT’S RESPONSE TO MOTION TO QUASH SUBPOENA

Pursuant to this Court’s Order Regarding Third-Party Discovery Disputes (ECF No. 365), Defendant AmerisourceBergen Drug Corporation (“Defendant”), by counsel, hereby responds to the West Virginia Department of Health and Human Resources, Bureau for Behavioral Health’s (“BBH”), Motion to Quash (the “Motion,” ECF No. 441). In its Motion, BBH, a non-party to this matter, seeks an order quashing Defendant’s Subpoena to Produce Documents (ECF No. 441-1) and Subpoena to Testify at Deposition (ECF No. 441-2) (collectively, the “Subpoenas”).

In the Motion, BBH asks the Court to quash the Subpoenas, citing, among other things, challenges it is facing associated with the COVID-19 pandemic. *See generally* Motion. On May 21, 2020, Defendant and BBH conducted a productive meet-and-confer regarding BBH’s Motion

and its objections to the Subpoenas. The parties have narrowed the scope of the discovery requests and BBH has represented that it is working diligently to locate and produce documents responsive to the Subpoenas. The parties have also agreed to reschedule the deposition of Christina Mullins, the Commissioner of BBH, to a mutually convenient time in June or July.

Accordingly, Defendant respectfully requests that the Court hold BBH's Motion, along with Defendants' Motion to Compel (ECF No. 435), in abeyance and without prejudice to either Defendant or BBH while the parties continue to work productively toward resolution of both Motions and the requests in the Subpoenas. BBH consents to having its Motion held in abeyance.

Dated: May 28, 2020

Respectfully submitted,

AmerisourceBergen Drug Corporation
By Counsel:

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 28th day of May, 2020, the foregoing was served using the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Gretchen M. Callas

Gretchen M. Callas (WVSB #7136)